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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,332	04/06/2001	Michael Kelbaugh	723-1081	6939

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EXAMINER	
RAMPURIA, SATISH	
ART UNIT	**PAPER NUMBER**
2191	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/827,332	Applicant(s) KELBAUGH ET AL.	
	Examiner Satish S. Rampuria	Art Unit 2191	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-21,23-61 and 63-85*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

WEI ZHEN
SUPERVISORY PATENT EXAMINER

Continuation of 3. NOTE:

Applicants indicated that the Finality of the outstanding Office Action is premature as claim 27 (rejected in the outstanding Office Action) was not rejected in the previous Office Action mailed December 28, 2005. As such the finality of the outstanding office action is withdrawn and a non- final action will be forthcoming.

Further, Applicants argued that even if the teachings of Wygodny are combined with those of Othmer, the combination fails to teach "at least one bug tracking related menu, the contents of which vary based on the user's role in the software development process."

In response to Applicant argument, it is noted that the rejection clearly points out where Othmer and Wygodny teach the claimed features and why it would have been obvious to combine their teachings. Othmer discloses monitoring the operations of computer based systems connected to a server (see the summary), specifically Othmer disclose the server uses the user ID to associate static information with a particular client machine (col. 13, lines 48-64). Wygodny discloses in a remote mode developer uses the program called the BugTrapper analyzer to create a trace file. The analyzer obtains information about the client at the compile time for the specific client (col. 5, lines 25-53). as understood from the Applicants specification and drawings that menu is the information displayed to the user depending on their role i.e., tester, developer, or project coordinator etc. (Specification, page 14). Wygodny explicitly discloses menu is diplayued to user (in this case developer) to select the execution files (col. 12, lines 3-21). Applicant only makes general allegations and does not point out any errors in the rejection. Rather, in response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Therefore, the rejection is proper and maintained herein.

Othmer does not teach the claimed "determining the aspects of a system that a user is entitled to access based on a user's role in the development process." Othmer teaches using a user ID, but fails to teach or suggest "determining the aspects of a system that a user is entitled to access based on a user's role in the development process."

In response to Applicant argument, the argument is similar to those discussed above, and applies under the same rational set forth above.

Further, with respect to these claims, Johndrew fails to remedy the above described deficiencies of Othmer and Wygodny. Moreover, Johndrew does not, as page 18 of the Office Action suggests, disclose a method of sorting bugs "wherein said sorting criteria includes video game stage or a video game character or the status of the bug or the type of bug or the reported date of the bug." Johndrew does not teach allowing a user to sort bugs based on a video game stage, a video game character, the status of a bug, or a reported date of a bug. Under Johndrew's teachings, a user would, for example, have no use in searching for "the reported date of a bug," since a user would not care when a bug was reported. The date of a software patch fixing the bug, as Johndrew discloses, is not the same as the reported date of the bug. The former is useful to a user, while the latter is of practical use for a developer.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., allowing a user...) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). further, Johndrew clearly indicates sorting criteria based up on the status of a bug, or a reported date of a bug; see office action mailed on 9/21/2006 page 18-19.

Claims 17, 38, 57 and 78 were further rejected under 35 U.S.C. §103(a) as being unpatentable over Othmer and Wygodny in view of admitted prior art (applicants' specification, page 2, lines 9-11, hereinafter "prior art"). Claims 19, 40, 59 and 79 were also rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Othmer in view of Tse (U.S. Patent No. 5,742,754, hereinafter "Tse"). Applicants note that many of the above-indicated dependent claims recite additional specific features which are not disclosed or even remotely suggested by the prior art. Since the independent base claims of each of these dependent claims are believed to be in condition for allowance for the reasons set forth above, there is no present need to address any of these issues in detail.

In response to applicant argument, Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.